

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

September 24, 2012

Chairman David Pruett called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room L101 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Carol Anest
Vice-Chairman Michele Camerota
Commissioner Michael Camillo
Commissioner Cathleen Hall
Commissioner David Lenares
Chairman David Pruett
Commissioner Stanley Sobieski
Commissioner Frank Aieta-A
Commissioner Audra Ekstrom-A

Commissioners Absent

Staff Present

Craig Minor, Town Planner

II. APPROVAL OF AGENDA

Chairman Pruett: Mr. Minor, any changes to our agenda tonight?

Craig Minor: Yes, two items I recommend removing from the agenda. Item, New Business A, Site Plan Modification at 49 Fenn Road, the plans are not ready, and also under New Business, Item 28-12, Site Plan modification at Big Sky. It turns out there are wetlands on the property, so the application needs to go before the Conservation Commission first. I recommend that those items be removed.

Chairman Pruett: Very good and so noted.

III. PUBLIC HEARINGS

A. Petition #15-12: Special Exception (Section 3.2.2: Public Utility Installation) on Meadow Street at intersection with Orchard Avenue. The Metropolitan District applicant; Town of Newington, owner; Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown, CT contact.

Chairman Pruett: I see the petitioners are here. If you would please come forward to the podium and present your petition? Just state your name and address for the record please?

Eric Pizzaferrato: Good evening Mr. Chairman, Members of the Commission. I'm the project manager for the Metropolitan District Commission. The application is in regards to the Meadow Street pump station. It's located in the southwestern part of Newington and serves about 130, 135 homes. It's a sanitary sewer and pump station. The application before you is

for us to install an emergency generator and a (inaudible) that supports the emergency generator for use when the pump station cannot receive line power during a catastrophic event. I have members of my team, Steve Howell, Craig Pearston assisting with the design of the pump station. I would be glad to take questions at this time.

Chairman Pruet: I'll call upon our Town Planner for his opinion and report on this petition.

Craig Minor: I've reviewed the plan, it's, as the applicant said, an electric backup generator for the pump. It's consistent with the zoning regulations. The Conservation Commission has reviewed the application and issued their approval. We have their report on file. There were no special conditions in their report, so nothing that I need to pass on to you in terms of some conditions that they asked the TPZ to pass along. The Town Engineer has reviewed the plans, he has no objections on it, and depending on public response we get tonight, because it is in the neighborhood, there may be some public concerns. I haven't heard any, nobody from the neighborhood has contacted me with any concerns. It is enclosed with a chain link fence, screened with arborvitae so I have no objections to approval pending the public hearing.

Chairman Pruet: Commissioner concerns, questions?

Commissioner Aieta: This is on the paper street that runs between Meadow and Bridle Path? Is this a paved street, or is this the paper street? There is a paper street back there.

Craig Minor: No, it's a real street, you can drive by it.

Eric Pizzaferrato: I have some renderings if you wish to.....

Commissioner Hall: Now is this already here?

Eric Pizzaferrato: No it is not, no.

Commissioner Hall: This is all wooded, and the sign is here, and it's kind of knocked down, so it's in that spot? There's a white house over here, and this is around the curve?

Eric Pizzaferrato: Correct.

Commissioner Hall: I couldn't quite place it when I drove by it. That was just my question. I wanted to know if there was anything there to see it, because where the sign was, it's all woods, it's right on the street, it says it comes down Orchard, Meadow and then Bridle Path, so it would be right in that spot, but farther over in the corner, so....

Craig Minor: Right, they have a site plan on foam board, maybe you might want to display that?

Commissioner Hall: It's not really going to be that visible.

Craig Minor: Correct, well, they are going to clear away all of the woods.

Commissioner Hall: Well, part of it, they are still going to leave some of it, and then have the chain link and the arborvitae and

Craig Minor: Exactly.

Commissioner Hall: And there will be a little driveway to get into it?

Eric Pizzaferrato: A little apron here.

Commissioner Sobieski: I just asked this gentleman what protection do you have with traffic and he said they are going to install bollards up there, am I correct?

Eric Pizzaferrato: There will be bollards around the electric transformer, other than that you have a fence that goes.....

Commissioner Sobieski: How far are you in from the edge of the road?

Eric Pizzaferrato: About ten, approximately ten to fifteen feet.

Commissioner Sobieski: Is that the town right of way?

Eric Pizzaferrato: Yes, it's right in the town right of way.

Commissioner Sobieski: That would be my only concern, somebody coming down, losing control going into the pump station.

Chairman Pruet: Any other Commissioner comments? Okay, this is a public hearing, we're going to ask the public, see if they have any questions. Anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? Seeing none, thank you gentlemen. What's the pleasure of the Commission on this petition?

Commissioner Sobieski: Move it to Old Business.

The motion was seconded by Commissioner Camillo.

Commissioner Aieta: We get a lot of these coming in, this is probably the third or fourth one that we have heard, and they are all pretty much the same, you know, it's a necessary evil that we have or most people wouldn't have sewer in their houses.

Chairman Pruet: Yes, we have to congratulate the MDC, they do a very good job on them.

Commissioner Aieta: I suggest that we move it and vote on it.

The vote was unanimously in favor of the motion, with six voting YES.

**B. Petition #24-12: Special Exception (Section 3.2.4: Radio and TV Antenna)
at 9 Beacon Court. Michael E. White, owner/applicant/contact.**

Chairman Pruet: Is Mr. White here? If you could come forward and just state your name and address for the record and present your petition please?

Michael White, 9 Beacon Street: I'm here tonight to put up an antenna and the last time, I've been coming to these meetings, and we talked about a tower, this is not a tower. A tower would be something such as you see down at the American Radio Relay League, this is a vertical pole. The diameter of this particular pole is the inner circumference of this tube. A kind of analogy would be the type of pole that you would use to clean out the pool, or scrub

the side of your house, but this is aircraft rated, one inch thick aluminum. It's sometimes hard to visualize what things look like so what I am going to do is pass around, these are some pictures of, marked A through E, the, A and B are pictures taken from in front of my neighbors house, looking into my property. On the back side, C, is where, in front of the tree, is where the hole would go, a tube filled with concrete would go, and the back two pictures show my backyard and show the large tree that is in the backyard, arborvitae off to the left. Originally my request, was to look at two possible sites, one at either side of the house. I have aluminum siding and therefore I have to kind of go off both sides or the middle. I can't go in the middle because I have a deck, so it meant one of the sides. At the time that I put my request in, I did not have a chance to talk to the manufacturer, and the manufacturer, when I talked to them, they suggested that this be on the Beacon Street side in back of my bushes. You get a better view with this second site map. So I am going to opt for that one, and part of the reason for that is, A, from an operating standpoint and from an efficiency standpoint that it is better in terms of a signal for me as far as amateur radio but more importantly I have a neighbor that I have been next to now for six years, and he's asked me to give consideration to the fact that if I put it up on the upper level of my property, when his wife looks out, she can see the antenna and so I wanted to respect, I've been in the neighborhood for thirty years so I wanted to respect that. Also you can see the antenna, if it comes down from the lower portion down towards Beacon Street, with the pine trees, the extremely tall pine trees and the oak tree back there and the arborvitae it will be hidden. Now the question is, why would I want to put up an antenna? I basically am into radio. You are probably all familiar with, not only the League, but we have also worked with the town in an emergency capacity, for example, the last Memorial Day Parade we provided back-up support on the parade route, so we do give back to the town, but the reason that I wanted an antenna is that there are three different types of antennas. One is a tower, which you are familiar with, the second is a wire antenna which is basically nothing more than a thin, thin wire strung over a tree branch, and then tied off. That is basically what I have now. The only problem is, on the far end of my property I had five trees. Over the past three years I've lost two of them and they are thirty, thirty-five years old, some virus going through them, and probably within the next three to four years I'm going to lose all those trees and then I won't have a support at all for my antenna, so, can't put a tower up, so this is the next best thing. I did provide you, one thing, whenever you talk about putting something up, there is always the concern of permanency. This particular vertical antenna is, it's on a tilt mount. I'll go into that a little bit, but what it can be is that in the event of high, high winds, in the event, like last year, the ice storm, in the event of a tropical storm, I can pull the top hook out and undo the guide lines, it's going to be guide, and drop this antenna right down to the ground. Even more so, I can even take it right out of the ground, so it's not a permanent antenna as it would be for example, if it was a tower. There, in the original petition, there is a diagram of the antenna. The antenna is twenty-five feet tall, but it weighs twenty-five pounds, so it is extremely light, extremely strong. If you come down where it mounts up, obviously you are going to have a tilting mount, and then you have the antenna. Obviously you have something in between where it matches up the metal plate that matches the antenna and the metal pole is a foot long, it's five inches wide and it's a quarter inch thick. The antenna at that particular point is triple walled, so that's probably the point where you have the most stress on the antenna. Again, as I mentioned to you, if you take a look at the pictures of the antenna, towards the top you are going to see something that says, gap center insulation, it's probably four or five inches down from the top, the antenna has a little thickened shape, right there is where the guide connectors are going to go so the only thing that won't be guide will be the top nine feet. The way that my property is set up, is that, I live on Beacon Court which is the first left off of Beacon Street, and my property, as you come up, comes up onto a rise and then the backyard, it drops down even lower on the side. It shows some of these rods out on the side, these are what the rods look like. You can see that they are very small, in terms of open diameter, and the reason for the

different lengths is the frequency. This comes in four or five different frequencies. When it comes out from the center pole, it comes out six inches, these rods are out six inches on each side, so you have a box like structure in the middle of the antenna. Are there any questions, you can ask me as we are going along.

Chairman Pruet: If you can just wrap it up and then we will ask you any questions at the end.

Michael White: Basically, I'm going to, the mount is going to be in a sonic tube, and it's going to be two feet deep. The mount itself is four feet, I'm burying half of it in, it will be tilted at a forty-five degree angle, so if it falls, it falls in the middle of my backyard. The way that my yard is set up, and you can see from the site plan, it allows contingencies no matter which way this falls. If it did, it would not fall, it would bend, not fall. But the guide, the base, and then what I have from the mount to the antenna, I have an inch and a quarter outside diameter black gas pipe, so I have a very sturdy piece of metal between the two to go into the ground so that it blends in on the site. So, other than going over the site map, if there are any questions on that?

Chairman Pruet: I'll call on the Town Planner for his comment on the application.

Craig Minor: It meets the basic requirements. I just had one question Mr. White. The sketch that you submitted tonight, it doesn't appear to be to scale, so if the antenna were to fall towards the Beacon Street side, would it, would any part of it be in the street or would the very tip top of it be along the grass along the side of the street.

Michael White: If you are talking, and let's use the map I've got here, are you talking from this side, the Beacon Street side?

Craig Minor: Yes, right.

Michael White: I have forty-eight feet and five huge, huge eighty foot high pine trees on that side of the property, and they were planted, as were the arborvitae way too close together, and what would happen is if the antenna flew back, back over, it would land in the pine trees. So, you have no problems, no matter which way this goes, it ends up never ending up on my neighbor's property....

Craig Minor: And not in the street.

Michael White: Plus, as I mentioned, it's guide, it's going to be guide from the front, the back, and to the sides, so this isn't going anywhere.

Craig Minor: And as you said, you would be able to lower it, if there was inclement weather.

Michael White: Right, and it would be in my best interest to do that, because the antenna is \$400.00, I certainly don't want to spend any money replacing it. So for safety's sake, just pull the top pin out, and I just walk it down, and when the time comes just walk it back up and put the pin back in.

Craig Minor: Okay, just one other question. Did you have a chance to talk to your neighbors?

Michael White: Yes, my neighbor is actually here and we actually sat, he came into the backyard and we looked and that is part of the reason why, after we talked we decided to

move it down to the far end and he appreciated it. It becomes a win-win. It becomes a win-win on your end, a win-win on his end and it becomes a win-win on my end.

Craig Minor: Thank you. That's all I have, Mr. Chairman.

Chairman Pruet: Commissioner comments?

Commissioner Sobieski: Is this going to be grounded?

Michael White: Yes, it will be grounded twice.

Commissioner Sobieski: It will be grounded twice with like copper pipes.....

Michael White: Yes, there will be one right at the foot, and then you come around from the house where it goes into the shack, there's another ten foot pole and lightening arrester on top of it.

Commissioner Sobieski: Does that meet the town code?

Craig Minor: Oh, I have no idea, but I'm sure the building inspector will make sure it does.

Commissioner Hall: I assume the neighbors were notified, not just the sign in the yard, but that they were actually, because there are houses within five hundred feet.....

Craig Minor: Yes, oh yes.

Commissioner Hall: That would be across Beacon who knew about it, and then Beacon Court also?

Michael White: Two of my neighbors came across and looked at it, one said I have no problem with it, my other two neighbors on the other side, one had seen it and said he had no problem with it either.

Chairman Pruet: Anyone else? This is a public hearing, anybody from the public wishing to speak in favor of this petition? Anybody wishing from the public wishing to speak against this petition? What is the pleasure of the Commission on this petition?

Commissioner Camerota: Close it and move it forward.

Chairman Pruet: Close it and move it forward to the next meeting?

Commissioner Camerota: Yes.

Craig Minor: Can that be a motion made and seconded by somebody?

The motion was made by Commissioner Camerota and seconded by Commissioner Anest.

The vote was unanimously in favor of the motion, with six voting YES.

Chairman Pruet: We are going to move it to our next meeting sir, and will vote on it at that time.

Michael White: Okay. I want to mention this. Initially, and I didn't realize it was going to (inaudible). I initially put this application in, in August. There was a clerical error, the only thing that I wanted to mention is that I brought this up in August, and inadvertently there was a clerical error. I came to the meeting, I didn't see it on the petition list. I didn't interrupt the meeting, and then afterwards I asked and then Mr. Minor said, at the next meeting, the September meeting it would be presented and then you would, and the only concern that I have is that I did come two months ago, and we're now getting towards, if we do October 10th, I want to get a couple of friends to help me do this, I'm just closer and closer to November, so I wanted to, that's one of the reasons that I wanted to ask for any kind of consideration that could be given because of the clerical error and that it didn't get presented to the committee. If this was early summer or mid-summer, there would be no problem, but now we're getting so much further into the year, just for what it's worth.

Chairman Pruet: Does anybody have a problem moving this to Old Business?

Commissioner Aieta: Mr. Chairman, if there is no concern on the part of the staff, and there's no comments, we probably should look at it tonight.

Commissioner Sobieski moved to move Petition 24-12 to Old Business. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion with six voting YES.

Chairman Pruet: We will move it to Old Business and vote on it tonight sir.

Michael White: Thank you ladies and gentlemen.

C. Petition #27-12: Special Exception (Section 6.2.4: Free-Standing Business Sign) at 336 Stamm Road. Edward A. Marchion Living Trust, owner, M & F Realty LLC, applicant; Edward Marchion 336 Stamm Road, Newington, CT, contact.

Chairman Pruet: Is the petitioner here? If you would come forward and state your name and address for the record please?

Edward Marchion, 891 Willard Avenue, Newington: After several years of major flooding down on Stamm Road, I decided to replace our sign. I was told that if I was replacing an existing sign in the same location, I didn't need approval for it. I went ahead and replaced that sign, and I think because of the uniqueness of the sign, it stands out, and it drew the attention of the Zoning Enforcement Officer who approached me and asked me if I went to the Zoning Board. I explained to him what I was told and he told me that that was not necessarily true, so here I am.

Chairman Pruet: Anything else you wanted to add?

Edward Marchion: No, we had severe flooding problems down there, I replaced something that was there for thirty years, that had deteriorated.

Chairman Pruet: Okay, Mr. Minor, any comments on that?

Craig Minor: As he said, the new sign came to the attention of the Zoning Enforcement Officer. He researched it, and found that the previous sign had not received a special permit as a free standing business sign is required to do, so the applicant applied, it's before you now, it meets all of the requirements, and I looked at the sign, it's an attractive sign. I noticed

it's got a water fountain feature. Do you want to talk about that briefly, because it is unusual, it's not prohibited at all, but it is a little unusual.

Edward Marchion: I'm in the landscape business, that was to make a point, the water feature comes right out of the center of the sign.

Craig Minor: Pending public input, I have no objection to acting on it tonight.

Commissioner Aieta: Is this the same size as the one that came down?

Edward Marchion: It's smaller. The existing sign was fifty square feet, this one is forty.

Chairman Pruet: Anyone else from the Commission? This is a public hearing sir, we are going to call on the public. Anybody from the public wishing to speak in favor of this petition? Anybody from the public wishing to speak against this petition? What is the pleasure of the Commission?

Commissioner Lenares: It meets all of the requirements, actually it's smaller, so we can follow suit and close this petition and move it to Old Business for tonight.

Edward Marchion: Thank you.

The motion was seconded by Commissioner Hall. The vote was unanimously in favor of the motion with six voting YES.

IV. **PUBLIC PARTICIPATION** (for items not listed on the Agenda; each speaker limited to two minutes)

None.

V. **MINUTES**

A. September 12, 2012

Commissioner Sobieski moved to accept the minutes of the September 12, 2012 Regular Meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with six voting YES.

VI. **NEW BUSINESS**

A. **Petition #14-12: Site Plan Modification (Revised Site Plan) at 49 Fenn Road. A Walk-In Medical Center LLC, owner/applicant; Attorney Kevin Mason, contact.**

B. **Petition #28-12: Site Plan Modification (Addition) at 58 Commerce Court (Big Sky Fitness) Big Sky Fitness, applicant; WC Newington LLC, owner, Joe Millet, 58 Commerce Court, Newington CT contact.**

Removed from the agenda

VII. OLD BUSINESS

Petition #15-12:

Special Exception (Section 3.2.2: Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner; Bary Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact.

Commissioner Hall moved that Petition #15-12: Special Exception (Section 3.2.2: Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner; Bary Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact be approved.

FINDINGS:

A public hearing was conducted in accordance with Section 5.2.3:

The screening of the proposed generator is acceptable;

The activity was approved by the Conservation Commission on September 18, 2012;

The specific criteria listed in Section 5.2.6 were considered.

CONDITIONS:

None.

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Craig Minor: Mr. Chairman, do you want to act on the site plan also?

Chairman Pruet: I believe it ties in with this.

Craig Minor: Yes it does. There is also a draft motion on the other side of the page, this is to approve the site plan for the generator.

Petition #16-12:

Site Plan Approval for a Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact.

Commissioner Camillo moved that Petition #16-12: Site Plan Approval for a Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact be approved.

FINDINGS:

A Special Exception for this activity was approved by the TPZ on September 24, 2012

CONDITIONS:

None

The motion was seconded by Commissioner Sobieski.

Commissioner Anest: Can we talk about this, I mean, it wasn't on our agenda.

Craig Minor: That's what I was asking, if you wanted to.....

Commissioner Camerota: Shouldn't this be under New Business?

Commissioner Anest: Yeah, it should be under that.

Chairman Pruet: Technically yes, it was a tie-in to this petition.

Craig Minor: I didn't put it on the agenda because usually the Commission doesn't act on special permits the same night, so I was going to put on the agenda for the next meeting, but it's moving a little quicker than expected, which is a good thing, but that's why it wasn't on the agenda, so maybe the best thing to do would be to add it to the agenda, add Petition 16-12, Site Plan Approval, add it to the agenda, as a New Business item or an Old Business item, where ever you want to put it, and then act on it. It would be better to add it to the agenda before you approve it.

Commissioner Sobieski moved to add Petition 16-12 to the agenda. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Pruet: Now as Old Business, as the petition motion was presented, any discussion on that motion?

Commissioner Hall: We haven't seen the site plan.

Craig Minor: Here is.....

Commissioner Hall: I know, but we didn't talk about it, it was just, here it is, and it looks okay, and it's been approved by you, you liked it?

Craig Minor: Yes, but the applicants are here so let's have them present the site plan and answer any questions that you might have about the site.

Commissioner Camerota: I think we should read it as a New Business item.

Craig Minor: Correct, and you did just add to the agenda, but you didn't say where, so was it your intent to add it under New Business?

Chairman Pruet: Yes. Okay, if the petitioners would just come up and again recap on the site plan. Why don't you read that again, well.....

Commissioner Aieta: That's the right procedure.

Petition 16-12:

Site Plan Approval for a Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact.

Craig Minor: So do you want to present your application again, the site plan.

Eric Pizzaferrato: Well, the site plan is to install an emergency generator and electrical (inaudible) surrounded by arborvitae and a chain line fence and bollards on the Town of Newington right of way property.

Chairman Pruet: Comments from the Town Planner?

Craig Minor: I have no additional comments.

Chairman Pruet: Okay, Commissioner comments on this petition. Seeing none, what is the pleasure of the Commission?

Commissioner Anest moved to close the petition and move it to Old Business. The motion was seconded by Commissioner Lenares. The vote was unanimously in favor of the motion, with six voting YES.

Chairman Pruet: Okay, we are now parliamentary correct now. Thank you. Now, I believe, if you would just read it again as Old Business.

Petition #16-12:

Site Plan Approval for a Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact.

Commissioner Camillo moved that Petition #16-12: Site Plan Approval for a Public Utility Installation on Meadow Street at intersection with Orchard Avenue. The Metropolitan District, applicant; Town of Newington, owner, Barry Parfitt of Wright-Pierce, 169 Main Street, Middletown CT, contact be approved.

FINDINGS:

A Special Exception for this activity was approved by the TPZ on September 24, 2012

CONDITIONS:

None

The motion was seconded by Commissioner Sobieski. The vote was unanimously in favor of the motion, with six voting YES.

Petition 24-12:

Special Exception (Section 3.2.4: Radio and TV Antenna) at 9 Beacon Court. Michael E. White, owner/applicant/contact.

Commissioner Sobieski moved that Petition 24-12 Special Exception (Section 3.2.4: Radio and TV Antenna) at 9 Beacon Court. Michael E. White, owner/applicant/contact be approved.

FINDINGS:

A public hearing was conducted in accordance with Section 5.2.3.

The "fall zone" for the proposed tower is acceptable:

The specific criteria listed in Section 5.2.6 were considered.

CONDITIONS:

None

The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion, with six voting YES.

Petition #27-12:

Special Exception (Section 6.2.4: Free Standing Business Sign) at 336 Stamm Road. Edward A. Marchion Living Trust, owner; M & F Realty LLC, applicant; Edward Marchion 336 Stamm Road, Newington, CT, contact.

Commissioner Camerota moved that Petition 27-12 Special Exception (Section 6.2.4: Free Standing Business Sign) at 336 Stamm Road. Edward A. Marchion Living Trust, owner; M & F Realty LLC, applicant; Edward Marchion 336 Stamm Road, Newington, CT, contact be approved."

FINDINGS:

A public hearing was conducted in accordance with Section 5.2.3:

The size of the sign is acceptable;

The specific criteria listed in Section 5.2.6 were considered.

CONDITIONS:

None.

The motion was seconded by Commissioner Camillo. The vote was unanimously in favor of the motion with six voting YES.

VIII. **PETITIONS FOR PUBLIC HEARING SCHEDULING** (October 10, 2012 and October 24, 2012.)

Craig Minor: None, but we have some for the next time though.

Commissioner Aieta: Mr. Chairman, if we don't have anything for the next meeting, are we going to have the meeting?

Craig Minor: Well, we will have, I've already received two applications, one for the scheduling of the Public Hearing and the other will be New Business and the deadline is Wednesday, so we may have more applications.

IX. TOWN PLANNER REPORT

Craig Minor: A couple of things that I want to bring to the Commission's attention. The first, it should come as no surprise to anyone that the owners of the property where the Bonefish is going to go are preparing a site plan for an auto related use and they need to make a boundary adjustment because the property where the auto related use will go is just a little bit under an acre and the new regulation requires a 43,500 square feet and it's about 4,000 square feet under. So what they are going to do and I'll pass this around, but they plan on taking a sliver out of the Bonefish site and add it to their other property. Now, I'm reporting that to you under Town Planner's report because it doesn't require your approval. It's a boundary adjustment, it's their right to do that, it does not actually affect the Bonefish site plan. It takes some of their green space away, but it doesn't affect the driveway, it doesn't affect the parking. It doesn't physically affect the driveway, but it does in a legal way because currently the driveway is entirely on the former Krispy Kreme parcel, but when this boundary adjustment is completed, the driveway will be half on Bonefish and half on auto related use property, so I told the applicants that they need to submit, need to file an easement guaranteeing access to it, and a few other things, but I went through the zoning regs, nothing, this mere movement of a line on paper does not have to come back to you. Now, they certainly will have to come back to you when they, they're going to have to come back to you for two things when the auto related use comes in. They will need to come in for a change to the Bonefish Plan, because they plan on accessing the auto related use parcel from the parking lot of Bonefish, rather than coming in from the highway which is a good idea, but that changes the Bonefish circulation, so that will require site plan modification by you. The auto related use business will require its own special permit and use, and the bank building, which used to be Krispy Kreme, on your agenda next month will probably be an application for a doctor's office there, which does not involve any change but because a doctor's office requires a different amount of parking than the bank that used to be there, under your regulations, that triggers the requirement for a site plan approval. That should be a pretty straight forward issue but you are going to be seeing several, at last count three applications in the next month or so for that parcel.

Chairman Pruet: That would be under New Business, correct?

Craig Minor: Yes.

Commissioner Aieta: I have a question. Does the auto related use parcel meet the definition of the new regulations that was passed as far as distance to residential.

Craig Minor: I haven't looked at anything yet because I don't have an application yet, but obviously that is one of the issues that will be reviewed for.

Commissioner Aieta: I believe the parcel abuts a residential property.

Commissioner Sobieski: Just one question, do we have a formula for how much green space we are supposed to have on each development?

Commissioner Aieta: It's ten percent.

Commissioner Sobieski: By removing this green space from one to the other, isn't it affecting the percentage of space?

Craig Minor: Yes, but it's still within the minimum amount. Bonefish had more green space than they needed.

Chairman Pruet: Anybody else? Questions? Some other reports too I think.

Craig Minor: Yes, a couple of other things I want to talk about. At the meeting last month there were a couple of zoning violations that were brought up and I was asked to follow up on them. The first was the, I guess Modern Floor on the Berlin Turnpike.....

Commissioner Hall: Floors Now?

Craig Minor: Thanks, I got the name wrong. I asked the Zoning Enforcement Officer to tell me the history of that activity and I've summarized that explanation in an e-mail to the Chairman, and I've made copies of that e-mail, and I'm going to pass them out in a minute. On the flip side of that paper is the answer to the question that came up at the last meeting about that farm stand sign on Maple Hill Avenue, so there are two items on this piece of paper I'm about to pass out, but to the first I'm just going to talk about Floors Now. You'll want to read this probably at your convenience. To summarize it, the building has always been non-conforming in that it's only about seven feet from the edge of the property, but it's been that way since at least 1961. Now when it changed hands, the new owners enjoyed the right to use this non-conforming, to keep the building non-conforming with regard to location. There also is not enough parking, but that's also probably been true since 1961. Now when Floors Now came in, because it's the same use, it was not a change in use, it was the same use, just a different operator, that did not trigger any opportunity on the part of the town to bring the property into compliance. If they had changed the use, you could have avoided a non-conforming situation, but that was not the case. So, as I reported last time, everything was done correctly. Your zoning regulations only have one category of retail, many other towns break it up a little more, your regs don't. Even if they did, it's unlikely that the new business would be a different category than the old one because they are both building materials.

Commissioner Sobieski: Is the sign on their property, or is it in the DOT right of way?

Craig Minor: I don't know about the sign.

Commissioner Sobieski: That's what I was going to question. You and I did look at that at one time and it's pretty close to that building, and it juts out, near Dairy Queen, on that side.

Craig Minor: Let me make a note about that, you're concerned about the sign too.

Commissioner Aieta: There was an existing free standing sign there, but they changed the whole structure of the sign.

Craig Minor: Okay, I'm not aware of that, so I'll look into that.

Commissioner Aieta: They put it in the same location, but it's a change of the sign.

Craig Minor: But it's in the same location?

Commissioner Aieta: I believe that it is.

Craig Minor: I'll look into that.

Commissioner Aieta: I'm not questioning the expansion of the building size, what I'm questioning is the internal use. I know that there was an expansion of the sales floor, sales

area for that business. You have to remember, the reason that they came in for reconstruction of building because there was an accident, a car hit the front of the building, but they took more than fifty percent of this building and reconstructed it, and I think that, what I'm concerned about is that that shouldn't be because it's a non-conforming, it's non-conforming and in the regulations it says that you can't expand a non-conforming use, and they expanded the retail area of that building, and it was a change of ownership. It's not the same owner who rebuilt this, and I have the regulations for non-conforming lots and building construction. I am not questioning that they built exactly on the same footprint, but we would have had the opportunity at least having the part that juts out into the turnpike, almost into the turnpike right of way, we would have been able to at least have them cut that back some. Get more parking, get more green space, have an opportunity to review the sign, the location of the sign in relation to the Berlin Turnpike, a whole bunch of stuff that could have happened here, that we didn't get the opportunity to do because it wasn't handled right.

Craig Minor: I'm still not sure how you would have been able to make them eliminate the non-conforming portion of the building? How would you have been able to do that?

Commissioner Aieta: Well, if they came before us for an expansion of the non-conforming....

Craig Minor: But they didn't, but they didn't expand the non-conforming. It's a conforming business.

Commissioner Aieta: I don't know, I read this apparently different.

Craig Minor: Okay.

Commissioner Aieta: It says here, it's further intended on this regulation that non-conforming shall not be enlarged upon, extended, or expanded that such a change increases the non-conformity.

Craig Minor: But you have to make a distinction in your mind between a non-conforming use and a non-conforming building. The building, which is non-conforming, was not expanded. And the use has always been conforming. They may be using more of the building for the business, but that's okay because it's a conforming business. They're allowed to do that. If they wanted to convert some of the warehouse to showroom space, I'm just making that up, they wouldn't need your permission because it's still all within the context of the floor business which is a permitted use in that zone.

Commissioner Aieta: Okay, I'll give you that but the point here is that when these things come up, they should be brought to the Commission and let us make the determination whether they should come in or not. We could have had the opportunity to lessen the non-conformity.

Chairman Pruetz: Okay, a difference of opinion.

Craig Minor: The other item I was asked to talk to the Zoning Enforcement Officer about is the Frink sign on Maple Hill Avenue and I talked to Art and he researched it and there was a farm sign approved by the Commission back in 2001. Now the sketch for the sign that is in the file shows a sign that is two feet by three feet, and the sign that actually got built is two and a half by three and a half, so the existing sign is a little bit bigger than what got approved, but it's still within the maximum allowed, the largest size of a farm sign is nine square feet and the sign that is out there is two and a half by three and a half which is eight, eight point five square feet. So yes, the sign is a little big bigger than permitted, that you approved back

in 2001. I think the question is do you want the zoning officer make the owner remove the sign and shave it down.

Commissioner Aieta: What was approved, do we have a rendering of what was approved?

Craig Minor: Yes.

Chairman Pruet: How far off.....

Craig Minor: Well what was presented is six feet, two by three.....

Chairman Pruet: Allowable is nine feet.

Craig Minor: Right.

Commissioner Aieta: That doesn't look anything like the sign that is hanging out there now. It's not even close. It is a hand painted sign on a piece of plywood that is hung from a post. It's not even close. If he put up that sign, I wouldn't be complaining, that would be an asset probably to the property. Got to remember that this piece of property is surrounded, it's in the residence zone. It's surrounded by residents. I wasn't aware that there was special consideration for a farm sign. I didn't read that in the regulations, but if it is, I missed it.

Chairman Pruet: Seeing that this is a residential zone, I think.....

Commissioner Aieta: That's not what is up there.

Chairman Pruet: You're right.

Commissioner Aieta: It's not even close.

Chairman Pruet: That what I'm saying, is that I believe the Zoning Enforcement Officer should insist he follow what was approved by the Commission, for the benefit of the record and the benefit of the residential property owners.

Craig Minor: Okay. One other thing, last week I was asked to ask the Chief of Police who is our local traffic authority to look into the light at the corner of Maple Hill Avenue and Cedar Street and he is doing that. I believe that is all I have to report.

Chairman Pruet: Okay, thank you.

X. PUBLIC PARTICIPATION (for items not listed on the Agenda)

Rose Lyons, 46 Elton Drive: Listening to the comments about signs, we just spent 1.2 million dollars on Market Square and we still continue to have cardboard signs attached to the poles on weekends, and sandwich board signs on the new pavers. It's just one business in particular that is the offender and the Zoning Enforcement Officer I think is aware of it, I did not check the Zoning Enforcement report lately, but I'm hoping that he is working with the business owner to clean up her act. Thank you.

Chairman Pruet: Thank you. That was on the weekend you said Mrs. Lyons? We do have our Zoning Enforcement Officer working on a schedule set up by the Town Planner to monitor activities on a Saturday, so hopefully he is aware of this and will review that and maybe an advance visit to give this proprietor a heads up to come into compliance.

Anybody else from the public wishing to speak at this time. Yes sir, come forward and state your name and your address.

John Bachand, 56 Maple Hill Avenue: Just about that traffic issue, I mentioned a few things, just because it is in my neighborhood, that intersection with Maple Hill and Cedar Street, but more importantly if anything can be done with Cedar Street and Alumni Road. That's the real hazard. Supposedly, if you are familiar with the re-alignment proposal that came up years ago and for whatever reason was dropped, but I heard different reasons why they can't put a light there, because it is too close to the other light at Maple Hill, whatever, something has to be done there because people use it regularly, anyone who attends any of the sporting events. The other thing is just curiosity, is the No Trespassing sign going into the Veterans Hospital, I don't know if you had a chance to check on that, I'm curious about that, but again, it's the federal government, you may never get an answer, but I was just very curious, two big signs right there, No Trespassing, but we continue to drive through there.

Chairman Pruet: Thank you.

David Marsden: I live on Maple Hill Avenue also, I wasn't planning to speak tonight, but thank you John for coming up and talking about that traffic situation. I look out my window and I'm seven houses from Cedar Street and I see traffic backing up beyond where I live. The light at Maple Hill will allow ten fast drivers to get through, if there are ten fast drivers queued up. Usually there is someone coming across from the opposite side, that slows the left turns down, and a lot of times you get only four or five cars through that intersection on a left turn, so it's very inconvenient for a lot of people who use the street as a route to get from one end of town to the other, and certainly it's more inconvenient for those of us who live there trying to back out of our driveways and to get down there myself. I know that there are certain times of day that I can get out of my driveway and I can zoom right down and make my right turn to go towards the center of Newington, other times I can't get through at all, ten minutes, and that's quite a lot. So thank you John for stepping up and saying that so you reminded me of that situation, and while I'm up here, I just wanted to ask if anybody has taken any interest in the property across from where I live on 73, that is being subdivided there, anything new going on?

Craig Minor: There has been no change since the last meeting.

David Marsden: Thank you very much.

Chairman Pruet: Thank you.

XI. COMMUNICATIONS

None

XII. REMARKS BY COMMISSIONERS

None

XIII. CLOSING REMARKS BY CHAIRMAN

Chairman Pruet: Again, I think tonight was a very informative meeting, sorry for the mix-up on the petitions, but we got that straightened out, we have a sharp crew here and I'm glad we have the opportunity to extradite petitions that are kind of simplistic in nature, we can move them along.

XIV. ADJOURNMENT

Commissioner Sobieski moved to adjourn the meeting. The motion was seconded by Commissioner Camillo. The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary